

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-862 (VEC)
	:	
MARK WOODS,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on November 29, 2022, Mark Woods (“Defendant”) was sentenced principally to a term of imprisonment of nineteen years, *see* J., Dkt. 897; Sentencing Tr., Dkt. 908;

WHEREAS on November 9, 2023, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 1097, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1, and asking that counsel be appointed to represent him in connection with his motion;

WHEREAS on January 4, 2024, the United States Probation Department reported that Defendant is not eligible for a sentence reduction, *see* Probation Report, Dkt. 1131; and

WHEREAS the Court has considered the record in this case;

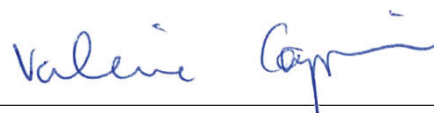
IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because, although Defendant received a sentence enhancement for committing the charged offense while under a criminal justice sentence, his offense level and criminal history category remain the same because he has more than 13 criminal history points. *See* U.S.S.G. § 4A1.1(e) (applying one criminal history point instead of two for defendants who

otherwise have seven or more criminal history points). Defendant's motions for a sentence reduction and for appointment of counsel are, therefore, DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 1097 and to mail a copy of this Order to Mr. Woods.

SO ORDERED.

Dated: January 5, 2024
New York, NY

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written above a horizontal line.

VALERIE CAPRONI
United States District Judge